

125 E John Carpenter Freeway
Suite 1100 11th Floor
Irving, TX 75062
(214) 855-9200

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**IN RE:
ERVIN FRANK LAYER
DEBTOR**

**CASE NO: 17-32670-HDH-13
Pre-Hearing: 11/30/2017
Time: 8:30 am**

**Motion to Dismiss Chapter 13 Case or in the Alternative Reduce Attorney Fees for
Failure to Confirm and Notice of Hearing thereon**

Now comes the Office of the Chapter 13 Trustee, Dallas and files this Motion pursuant to Section 1307 (C) of the Bankruptcy Code and Bankruptcy Rule 9014; and would respectfully show unto the Court as follows:

This case should be dismissed or in the alternative attorney fees reduced for one or more of the following causes:

- (X) Failure to Obtain Confirmation.
(X) Confirmation has been denied.

Wherefore, your Trustee prays that after notice and hearing, this Chapter 13 case be dismissed or in the alternative reduce attorney fees.

Office of the Chapter 13 Trustee, Dallas

By: /s/ Thomas D. Powers

Thomas D. Powers / State Bar No. 16218700
125 E John Carpenter Freeway
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ERVIN FRANK LAYER

NOTICE OF HEARING

To the Debtor and the Debtor's Attorney of Record:

You are notified of the filing of the foregoing Motion of Trustee to Dismiss Chapter 13 case for the reason (s) therein stated. A pre-hearing conference on the Trustee's Motion will be held on 11/30/2017 at 8:30 am at 125 E. John Carpenter Freeway, Suite 1100, the Eleventh Floor, Irving, Texas 75062. Motions not resolved/defaulted at the pre-hearing conference will be held by the Court at 2:00 PM on the same day at 1100 Commerce Street, Fourteenth Floor, Dallas, Texas. You do not have to attend the pre-hearing conference or hearing unless you oppose dismissal of the case.

Certificate of Service

I hereby certify that a true copy of the foregoing Motion to Dismiss Chapter 13 Case and Notice of Court Hearing theron was served on the following parties at the addresses listed below by United States First Class Mail or via electronic mail:

Debtor: Ervin Frank Layer, 9814 Faircrest Drive, Dallas, Tx 75238
Attorney: Allmand Law Firm Pc, 860 Airport Freeway Suite 401, Hurst, Tx 76054**
Notice Creditor(s): County Of Dallas, Co Linebarger Goggan Blair Et Al, 2777 N Stemmons Fwy Ste 1000, Dallas, Tx 75207**
 Couri Jacocks, 2201 W Royal Lane Suite 155, Irving, Tx 75063**
 Perdue Brandon Et Al, 500 E Border Street Suite 640, Arlington, Tx 76010**

**Indicates party has elected to receive all notifications via electronic service and was not served a copy via United States First Class Mail.

Dated: 9/26/2017 By: /s/ Thomas D. Powers